

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Jessie Yarborough,)
Petitioner,) C/A No.: 8:05-cr-809-GRA-2
v.)
United States of America,)
Respondent.)

) ORDER
(Written Opinion)

This matter comes before the Court on the petitioner's motion to reconsider this Court's May 6, 2008, and June 12, 2008 Orders. In his initial 28 U.S.C. § 2255 petition, Petitioner moved for this Court to stay this action until he was transferred from Butner Federal Correctional Institution to another facility because the legal resources at Bunter were not sufficient for the Petitioner to make legal arguments in support of his § 2255 claims. The petitioner asked to stay the action for ninety days. The Court denied this motion as moot because the Court rendered its decision more than ninety days after Petitioner filed his petition and motion to stay. On June 17, 2008, the petitioner moved this Court to again reconsider its decision.

Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*,

454 U.S. 364, 365 (1982).

The petitioner is now asking this Court reconsider its decision to deny his requested stay because Petitioner claims to still be deprived of sufficient legal resources. After a review of the original petition, this Court is confident that by applying the requisite liberal standard to the petition none of the petitioner's claims were denied due to inadequate legal research. Even if this Court accepts the petitioner's allegations about the quality of legal resources at Butner, this Court does not believe a new petition presenting the same arguments simply with more citations would compel this Court to alter or amend its prior decision.

THEREFORE IT IS SO ORDERED THAT the petitioner's motion for reconsideration is DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
January 6, 2009

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**